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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,097	01/24/2002	Franciscus Lucas Antonius Johannes Kamperman	NL010128	9486

24737 7590 07/25/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

WILLIAMS, JEFFERY L

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,097

Applicant(s)KAMPERMAN, FRANCISCUS
LUCAS ANTONIUS JO**Examiner**

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/14/03, 1/24/02.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 14 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims are rejected as not being tangible as they may be implemented solely in software.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "checking said public key" in line 4. There is insufficient antecedent basis for this limitation in the claim. For the purposes of

1 searching prior art, the examiner will presume that the applicant is referring to "checking
2 said certified public key".

3 Claim 7 recites the limitation "said public keys" in line 1. There is insufficient
4 antecedent basis for this limitation in the claim. For the purposes of searching prior art,
5 the examiner will presume that the applicant is referring to "said certified public key of
6 said application unit and said certified public key of said security unit".
7

8 ***Claim Rejections - 35 USC § 102***

9 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
10 form the basis for the rejections under this section made in this Office action:

11 A person shall be entitled to a patent unless –

12 (b) the invention was patented or described in a printed publication in this or a foreign country or in public
13 use or on sale in this country, more than one year prior to the date of application for patent in the United
14 States.
15

16 **Claims 1 - 16 are rejected under 35 U.S.C. 102(b) as being anticipated by**
17 **Traw et al., "Content Protection for Transmission Systems", U.S. 5,949,877.**
18

19 Regarding claim 1, Traw et al. (hereinafter referred to as Traw) discloses:

20 *a) exchanging authentication data between said first unit and said second unit*
21 *(Traw, col. 7, lines 5-13), said authentication data being retrieved from an authorisation*
22 *list comprising a list identifier (Traw, col. 5, lines 37-47; col. 7, lines 14-36),*
23 *and b) checking the authenticity of the authorisation list and the origin of the*
24 *authentication data from a valid authorisation list (Traw, col. 7, lines 14-36). The*
25 *authenticity of the authorization list is checked by comparing the list version identifiers.*

1 The result of the comparison informs the checking device if the list being used to
2 validate the authentication data is trustworthy.

3
4 Regarding claim 2, Traw discloses:
5 *wherein authentication of said first unit is terminated if said step of checking fails*
6 (Traw, col. 7, lines 27-31).

7
8 Regarding claim 3, Traw discloses:
9 *wherein said first unit comprises an application unit including an application and*
10 *said second unit comprises a security unit* (Traw, col. 3, lines 25-33, 45-53; col. 4, lines
11 8-25). Traw discloses that the two units may interchangeably be PCs containing
12 applications or CE devices. Both types of units comprise security components.

13
14 Regarding claim 4, Traw discloses:
15 *wherein said authorisation list comprises a certified application list comprising*
16 *information about authorised applications* (Traw, col. 3, lines 34-44). Traw discloses a
17 list informing a device/application as to which devices/applications are authorized.

18
19 Regarding claim 5, Traw discloses:
20 *wherein in said step a) a certified public key of said application unit retrieved from*
21 *said certified application list and a list identifier of said certified application list is*
22 *transmitted from said application unit to said security unit, wherein in said step b) said*

1 *certified public key of said application unit and said list identifier of said certified*
2 *application list is checked by said security unit (Traw, col. 7, lines 5-36).*

3
4 Regarding claim 6, Traw discloses:

5 *b1) transmitting a certified public key of said security unit from said security unit*
6 *to said application unit, and b2) checking said public key of said security unit by said*
7 *application unit against a certified security unit revocation list (Traw, col. 7, 44-65).*

8
9 Regarding claim 7, Traw discloses:

10 *wherein said public keys are checked by use of a public key of a certification unit*
11 *provided by said certification unit to said security unit and said application unit (Traw,*
12 *col. 7, lines 23-27, 53-57).*

13
14 Regarding claim 8, Traw discloses:

15 *wherein said certified application list is provided and updated by a certification*
16 *unit (Traw, col. 5, lines 37-44). The certification unit creates all certified application lists,*
17 *thus it provides and updates the list.*

18
19 Regarding claim 9, Traw discloses:

20 *wherein said list identifier is distributed together with data carriers or from any of*
21 *said first unit, second unit or said certification unit (Traw, col. 5, lines 37-44).*

22

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Regarding claim 10, Traw discloses:

encrypting data to be transmitted using an encryption key by said second unit, and d) transmitting said encryption key and the encrypted data from said second unit to said first unit or determining said encryption key by said first and said second unit (Traw, col. 7, line 66 – col. 8, line 57).

Regarding claim 11, Traw discloses:

wherein said authorisation list is distributed together with said data to be transmitted, with data carriers, with application units or applications (Traw, col. 6, lines 48-56).

Regarding claim 12, it is the system claim implementing and corresponding to the method claim 1, and is rejected for the same reasons.

Regarding claim 13, it is rejected for the same reasons as claim 10.

Regarding claim 14, it is rejected for the same reasons as claims 7 and 8.

Regarding claim 15, Traw discloses:

a computer comprising a reading unit for reading a data carrier storing the data to be transmitted, wherein said first unit is part of said computer provided for running an application and wherein said second unit is part of said computer connected to or

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1 *arranged in the reading unit provided for decrypting and re-encrypting data read from*
2 *said data carrier* (Traw, col. 1, lines 11-39; col. 2, lines 61-65; col. 3, lines 21-56; col. 4,
3 lines 3-36; figs. 3 and 4).

4
5 Regarding claim 16, Traw discloses:

6 *a first unit for transmitting authentication data from said first unit to said second*
7 *unit, said authentication data being retrieved from an authorisation list comprising a list*
8 *identifier, b) a second unit for checking the authenticity of the authorisation list and the*
9 *origin of the authentication data from a valid authorisation list* (Traw, col. 5, lines 37-47;
10 col. 7, lines 5 -36), *for encrypting data to be transmitted using an encryption key, and for*
11 *transmitting said encryption key and said encrypted data from said second unit to said*
12 *first unit or for determining an encryption key by said first and said second unit* (Traw,
13 col. 7, line 66 – col. 8, line 57).

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Conclusion

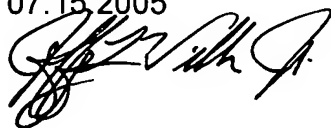
A shortened statutory period for reply is set to expire 3 months (not less than 90 days) from the mailing date of this communication.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffery Williams
Assistant Examiner
Art Unit 2137
07.15.2005




MATTHEW SMITHERS
PRIMARY EXAMINER
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